STATE OF NEW YORK

9143--B

IN ASSEMBLY

January 31, 2022

Introduced by M. of A. CYMBROWITZ, BURDICK, BENEDETTO, ABBATE, HEVESI, SAYEGH, COLTON, TAPIA, EICHENSTEIN, SIMON, DAVILA, L. ROSENTHAL, COOK, ROZIC -- Multi-Sponsored by -- M. of A. BRAUNSTEIN -- read once and referred to the Committee on Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to creating the New York state private not-for-profit special education schools revolving loan fund; and making an appropriation therefor

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The education law is amended by adding a new section 4409 to read as follows:

§ 4409. Revolving loan fund for private not-for-profit special education schools. 1. There is hereby established a fund to be known as the New York state private not-for-profit special education schools revolving loan fund. Such fund shall consist of moneys made available pursuant to appropriation and any other sources in order to provide support to private not-for-profit schools for special education students of school age approved pursuant to section forty-four hundred four of this article. The fund shall be administered by the department; provided, however, that the commissioner may enter into an agreement with a bank or trust company to administer loans under this section.

2. (a) Loans under this section shall be interest free, except as otherwise provided in this subdivision. A school shall be allowed to submit one loan request application every two years. The lending period shall be a maximum of twenty-four months. A school shall submit to the department a loan repayment schedule detailing how the full amount will be repaid within the final ninety days of the twenty-four month loan period and complete all payments as per that schedule. If a school fails to comply with such schedule it will not receive any new funding until the loan is fully repaid. An interest rate of six percent per annum shall be charged for each month that a loan payment is in arrears.

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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(b) All new loan request applications shall be submitted no later than the last day of the twenty-first month in the twenty-four month loan period. The comptroller shall determine if available funds can satisfy the loan requests of all such eligible applications by the first of August of that year. If it is determined that available funds cannot satisfy all eligible loan request applications, each eligible school shall be assigned an amount reduced proportionally. Each school that applied shall be notified of their eligibility and the dollar amount available to them by August twentieth of that year.

3. A private not-for-profit special education school shall meet the following requirements to be eligible to be approved for a loan under this section:

(a) A school shall be incorporated in New York state.

(b) A school must have a current enrollment with at least fifty percent of students having an individualized education program (IEP) as defined in 20 U.S.C. § 1414(d).

4. The loan amount to a school shall be limited to a maximum of one hundred percent of the total amount of pending tuition payments in the prior year pursuant to subdivision four of section forty-four hundred four of this article and the total amount of the school district agreed tuition settlement offers in the prior year.

5. For a pending payment or school district agreed tuition settlement offer to qualify for inclusion in the loan amount calculation:

(a) the private not-for-profit special education school must have accepted the student without collecting any tuition from the parents with the intent of seeking a tuition settlement pursuant to section forty-four hundred four of this article. A refundable deposit is not considered tuition; and

(b) the payment must be on behalf of a student with an IEP as defined in 20 U.S.C. § 1414(d).

6. The school district settlement offer or hearing decision for one year of tuition must be for a minimum of forty thousand dollars.

§ 2. The sum of two hundred million dollars ($200,000,000), or so much thereof as may be necessary, is hereby appropriated to the New York state private not-for-profit special education schools revolving loan fund and made immediately available, for the purpose of carrying out the provisions of this act.

§ 3. This act shall take effect immediately.